

Plaintiff's Name JIM CAGE III

Inmate No. AA9208

Address CSF - SACRAMENTO

P.O. Box 290066

REPRESENTA, CA, 95671-0066

FILED

MAY 10 2023

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT

BY

DEPUTY CLERK

FOR THE EASTERN DISTRICT OF CALIFORNIA

1:22-cv-01429-CDB-(PC)

(Name of Plaintiff)

(Case Number)

vs.

AMENDED CIVIL RIGHTS COMPLAINT UNDER:

☒ 42 U.S.C. 1983 (State Prisoner)

☐ Bivens Action [403 U.S. 388 (1971)] (Federal Prisoner)

A. Johnson

Lt. R. Roque

Sgt E. Cortez

Sgt. A. Encinas

C.O. J. Rojas, S. psy. J.

ward, C.O. R. Arias

(Names of all Defendants)

I. Previous Lawsuits (list all other previous or pending lawsuits on additional page):

A. Have you brought any other lawsuits while a prisoner? Yes X No

B. If your answer to A is yes, how many? 1

Describe previous or pending lawsuits in the space below. (If more than one, attach additional page to continue outlining all lawsuits in same format.)

1. Parties to this previous lawsuit:

Plaintiff JIM CAGE III

Defendants C. PIERCE, H. KIRKLAND, S. UANG, J.

HUGLANDER, T. NGUYEN

2. Court (if Federal Court, give name of District; if State Court, give name of County)

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF SACRAMENTO, CA.

3. Docket Number 2:20-cv-00770 CKS

4. Assigned Judge MAGISTRATE BARNES

5. Disposition (Was the case dismissed? Appealed? Is it still pending?)

SETTLED

II. Exhaustion of Administrative Remedies

NOTICE: Pursuant to the Prison Litigation Reform Act of 1995, "[n]o action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a). Prior to filing suit, inmates are required to exhaust the available administrative remedy process, *Jones v. Bock*, 549 U.S. 199, 211, 127 S.Ct. 910, 918-19 (2007); *McKinney v. Carey*, 311 F.3d 1198, 1999 (9th Cir. 2002), and neither futility nor the unavailability of money damages will excuse the failure to exhaust, *Porter v. Nussle*, 534 U.S. 516, 524, 122 S.Ct. 983, 988 (2002). If the court determines that an inmate failed to exhaust prior to filing suit, the unexhausted claims will be dismissed, without prejudice. *Jones*, 549 U.S. at 223-24, 127 S.Ct. at 925-26.

A. Is there an inmate appeal or administrative remedy process available at your institution?

Yes X No _____

B. Have you filed an appeal or grievance concerning ALL of the facts contained in this complaint?

Yes X No _____

C. Is the process completed?

Yes X

If your answer is yes, briefly explain what happened at each level.

It was sent to "AIMS"

No _____

If your answer is no, explain why not.

III. Defendants

List each defendant's full name, official position, and place of employment and address in the spaces below. If you need additional space please provide the same information for any additional defendants on separate sheet of paper.

A. Name CPT. A Johnson is employed as Captain
Current Address/Place of Employment CSP - CORCORAN

B. Name J. Rojas is employed as C.O.

Current Address/Place of Employment CSP - Corcoran

C. Name Lt. R. Roque is employed as Lt.

Current Address/Place of Employment CSP - Corcoran

D. Name E. Cortez is employed as Sgt.

Current Address/Place of Employment CSP - Corcoran

E. Name J. Ward is employed as Senior psy.

Current Address/Place of Employment CSP - Corcoran

IV. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary. Must be in same format outlined below.)

Claim 1: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

EIGHTH AMENDMENT EXCESSIVE FORCE claim
Against C.O. J. Rojas

Supporting Facts (Include all facts you consider important to Claim 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 1.):

1:22-cv-01429-CDB (P-L) GAGE v. Johnson.

Claim 2: The following civil right has been violated (e.g. right to medical care, access to courts, due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.):

Supporting Facts (Include all facts you consider important to Claim 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Claim 2.):

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would not wish to file a first Amended Complaint and am willing to proceed only on THE Eighth Amendment EXCESSIVE force claim against Defendant Rojas; THE remaining claims against any other defendant to be dismissed

I declare under penalty of perjury that the foregoing is true and correct.

Date: 5/2/23

Signature of Plaintiff:

